

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Second Appeal No.404/2006

Chintaman Dasram Jamaiwar vs. Baburao Shrawan Meshram and others.

Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

CORAM : A.P. Lavande,J

DATE : 17.9.2007

Heard Shri P.V.Kaore, learned counsel for the
appellant/plaintiff.

2. By this appeal the appellant takes exception to the
Judgment and decree dated 23.2.2006 passed by the Second
Ad hoc Additional District Judge, Bhandara in Regular Civil
Appeal No. 21/2005 dismissing the appeal filed by the
appellant against the Judgment and decree dated 2.2.2005
passed by the Civil Judge, Jr. Dn., Mohadi in Regular Civil
Suit No. 35/1998.

3. The appellant/plaintiff filed the suit for injunction
against the defendants/ respondents in respect of the suit
lane situated between the houses of the plaintiff and the
defendants. According to the plaintiff, he was the owner and
in possession of the suit lane and defendants obstructed the
plaintiff from carrying out construction and putting of a slab.
The trial court upon appreciation of the evidence led by the

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parties held that the plaintiff had failed to prove the title to the suit lane. This finding was upheld by the lower appellate court.

4. Having perused the impugned Judgments passed by both the courts below I find no merit in the present appeal. The finding recorded by both the courts below that the plaintiff has failed to prove his title to the suit lane is based upon proper appreciation of the evidence on record. Hence, there is no perversity in the said finding. In any events, no substantial question of law is involved. Hence, the appeal is dismissed.

Judge

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